

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORAMEX LLC, dba KORIMPEKS PULP AND PAPER, a Washington limited liability company,

Plaintiff,

V.

AMERICAN PAPER RECYCLING CORP.,
an Illinois corporation,

Defendant.

Case No. C05-5588FDB

ORDER GRANTING DEFENDANT'S
MOTION FOR RECONSIDERATION
OF REMAND AND DISMISSING
CAUSE OF ACTION

The Court Granted Defendant American Paper Recycling Corp.’s (APR) Motion to Dismiss for Lack of Personal Jurisdiction [Dkt. # 19] and remanded the matter to Clark County Superior Court. APR moved for reconsideration of the remand portion of the order arguing there is limited authority to remand a matter according to the plain language of Section 1441(c) and 1447(c).

Buchner v. FDIC, 981 F.2d 816, 819-20 (5th Cir. 1993). In a removed case, the appropriate remedy for lack of personal jurisdiction is dismissal, not remand. *Amins v. Life Support Med. Equip. Corp.*, 373 F. Supp. 654, 656 (E.D.N.Y. 1974). Plaintiff Noramex responds that as to the issue of the issue of remand, it would be appropriate for this Court to dismiss this case without prejudice in order that it may be refiled in a Court of competent jurisdiction.

ORDER - 1

1 ACCORDINGLY, IT IS ORDERED:

2 1. Defendant's Motion to Reconsider that part of the court's order at Dkt. #19, which
3 ordered remand rather than dismissal for lack of personal jurisdiction is GRANTED,
4 and

5 2. This cause of action is DISMISSED without prejudice for lack of personal
6 jurisdiction.

7 3. That part of the court's Order (Dkt. 19) at page 4, lines 3-5 ("Rather than dismiss,
8 however, because this matter was removed from state court, this matter will be
9 remanded to the Clark County Superior Court for appropriate action.") shall be and is
10 stricken. At page 4, line 8, a period shall be inserted following the word "Defendant,"
11 and the remainder of page 4, line 8 through page 4, line 9 ("and REMANDING this
12 cause of action to Clark County Superior Court for appropriate action.") shall be and
13 is stricken.

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15 DATED this 16th day of November, 2005.

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17 FRANKLIN D. BURGESS
18 UNITED STATES DISTRICT JUDGE
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